

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

In re:

Oasis Vineyards Inc.

Debtor.

Case No. 08-17750-RGM
Chapter 11

**RESUBMITTED MOTION OF UNITED STATES TRUSTEE
TO CONVERT CASE TO CHAPTER 7 OR TO DISMISS CASE**

Comes Now, W. Clarkson McDow, Jr., United States Trustee, and moves this court to convert this case to chapter 7 or dismiss this case. In support of this motion the following representations are made.

1. This court has authority to hear and decide this case. 28 U.S.C. § 1334.
2. This is a core proceeding. 28 U.S.C. § 157.
3. The United States Trustee files this motion pursuant to 28 U.S.C. § 586 and 11 U.S.C. §§ 307 and 1112(b).
4. On December 11, 2008, the debtor filed a petition for relief under chapter 11 of the Bankruptcy Code.
5. The debtor has failed to timely file its monthly operating reports with the Clerk and with the United States Trustee in violation of Bankruptcy Rule 2015, Local Rule 2015-(a)-1, and the Consent Order Conditioning Right of Debtor in Possession filed in this case. The last report filed was for the month of July, 2009. The lack of reports prevents the United States

Office of United States Trustee
Frank J. Bove, Attorney
115 South Union Street
Alexandria, VA 22314
(703) 557-7227

Trustee and other parties in interest from monitoring the financial condition of the debtors. It also constitutes “cause” to convert or dismiss this case pursuant to 11 U.S.C. §1112(b)(4)(F).

6. The debtor has not filed a plan of reorganization and disclosure statement.

7. The debtor has not paid a quarterly fee for the third quarter of 2009.

8. On September 22, 2009, this court conducted a hearing on this motion on pursuant to the original filing of the motion by the United States Trustee on April 2, 2009. At that time the court ruled that the case would be dismissed upon the submission by the debtor of delinquent monthly operating reports and payment of all necessary quarterly fees by the debtor. *See Docket Entry 42.*

9. On October 13, 2009, the court entered an order ruling that in light of the death of debtor’s counsel, which occurred before an order of dismissal could be entered in the case, the court would suspend the order of dismissal. *See Docket Entry 43.*

9. The United States Trustee resubmits the motion to convert or dismiss to place it back on the court’s docket and allow the debtor the opportunity to supply monthly operating reports which will permit a review of its financial activity since July of 2009.

10. There do not appear to be any unusual circumstances in this case that would result in a finding that either dismissal or conversion of this case is not in the best interest of the creditors of the estate.

11. Inasmuch as the grounds for this motion are set forth herein, it is requested that the requirement for a separate memorandum of points and authorities be waived.

Wherefore, the United States Trustee respectfully requests that the Court enter an order either converting this case under to a case under Chapter 7 of the Bankruptcy Code or dismissing this case.

December 9, 2009:

W. Clarkson McDow, Jr.
United States Trustee

/s/ Frank J. Bove

Frank J. Bove, Attorney

V.S.B. # 32052

Office of United States Trustee

115 South Union Street

Alexandria, VA 22314

(703) 557-7227

Certificate of Service

I hereby certify that on the 9th of December, 2009, I mailed a copy of this motion to convert or dismiss, proposed orders, and notice of motion and hearing to the following persons by first class U.S. Mail, postage prepaid:

Oasis Vineyards Inc. 14141 Hume Road Hume, VA 22639	Thomas O. Murphy, Esq. 8709 Plantation Lane Manassas, VA 20110-4506
---	---

/s/ Daniel V. Johnson, Jr.

Daniel V. Johnson, Jr.
Senior Analyst

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

In Re:)
Oasis Vineyards Inc.)Case No.08-11750-RGM
Debtor) Chapter 11
)

NOTICE OF MOTION AND NOTICE OF HEARING

The Office of the U.S. Trustee has filed papers with the court to Convert this Case to a Chapter 7 or To Dismiss this Chapter 11 Case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not wish the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then on or before January 6, 2010, you or your attorney must:

- File with the court, at the address shown below, a written response with supporting memorandum as required by Local Bankruptcy Rule 9013-1(H). **Unless a written response and supporting memorandum are filed and served by the date specified, the Court may deem any opposition waived, treat the motion as conceded, and issue an order granting the requested relief without further notice or hearing.** If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above. You must **also** mail a copy to the persons listed below.
- Attend the hearing scheduled to be held on **January 12, 2010 @ 11:00 o'clock a.m.** in Courtroom No. II, United States Bankruptcy Court, 200 South Washington Street, Alexandria, Virginia 22314. **If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.**
- A copy of any written response must be mailed to the following persons:
 - United States Trustee, Region IV
115 South Union St, Suite 210
Alexandria, Va 22314

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: December 9, 2009

/s/ Frank J. Bove
Frank J. Bove, Esq.
V.S.B. # 32052
Trial Attorney
Office of the United States Trustee
115 S. Union St., Suite 210
Alexandria, VA 22314

Certificate of Service

I hereby certify that I have this 9th day of December 9, 2009, mailed, electronically filed or hand-delivered a true copy of the foregoing Notice of Motion to the parties listed on the attached service list.

/s/ Daniel V. Johnson, Jr.
Senior Bankruptcy Analyst

UNITED STATES BANKRUPTCY COURT

EASTERN DISTRICT OF VIRGINIA
Alexandria Division

IN RE: **Oasis Vineyards Inc.**

Case No.08-17750-RGM

Debtor

(Chapter 11)

ORDER OF CONVERSION FROM CHAPTER 11 TO CHAPTER 7

Upon the Motion of the United States Trustee to Dismiss or Convert to a Chapter 7, or to Dismiss this Chapter 11 case, good cause having been shown, it is hereby

ORDERED that:

1. This case is converted to one under Chapter 7 of Title 11 of the United States Code;
2. The debtor(s) in the Chapter 11 case shall file with the Court a final report and account as required by Bankruptcy Rule 1019(5) and Local Rule 1017-1(D) within thirty (30) days of the entry of this order, with copy to be mailed to the United States Trustee;
3. *[If original case filed on or after October 17, 2005]* The debtor(s) pursuant to Interim Procedure 1007-1(A) and Interim Bankruptcy Rule 1007(b)(4), shall file with the Court within fifteen (15) days after the conversion of this case a Chapter 7 Statement of Current Monthly Income and Means Test Calculation, Official Form B22A.
4. The debtor(s) or debtor designee shall file with the Court within fifteen (15) days after the conversion of this case as applicable, either:
 - (a) a schedule of unpaid debts incurred after the commencement of of the original case, and a list of creditors in the format required by the Clerk's Office, or
 - (b) a certification that no unpaid debts have been incurred since the commencement of this case.
5. If the Chapter 11 plan had been confirmed, the debtor(s), pursuant to Bankruptcy Rule 1019 (5), shall file with the court within forty-five (45) days of the entry of this order as applicable, either:
 - (a) a schedule of property not listed in the final report and account acquired after filing of the original petition but before entry of the conversion order and a schedule of executory contracts and unexpired leases entered into or assumed after the filing of the original petition but before entry of the conversion order or

- (b) a certification that the lists, schedules and statements already filed accurately reflect the debtor's financial affairs as of the date the case was converted;

5. The debtor(s), shall file with the Court a Statement of Intention with respect to secured property, if required, within thirty (30) days of the entry of this order or before the first date set for the meeting of creditors in the converted case, whichever is earlier.

6. The debtor(s) representative Gene Wells, shall appear and testify, at the date and time set by the Clerk of this Court, at the section 341 meeting of creditors in the converted case.

It is further ORDERED that the automatic dismissal provisions of the local rules shall not apply to this converted case, and failure of the debtor(s) to abide by terms of this Order may result in the issuance of an Order to Show Cause directed to the debtor(s) and principals of the debtor(s).

The Clerk shall forward a copy of this order to the debtor(s), the attorney for the debtor(s), the Chapter 11 Trustee, if any, and the United States Trustee.

DATE

ROBERT G. MAYER
BANKRUPTCY JUDGE

I ASK FOR THIS:

Entered on Docket: _____

/s/ Frank J. Bove
Frank J. Bove
Trial Attorney
Office of the U. S. Trustee
115 S. Union Street, Suite 210
Alexandria, VA 22314
(703) 557-7227

cc:

Serve Electronically:

United States Trustee : ustpreion04.ax.ecf@usdoj.gov, frank.j.bove@usdoj.gov

Thomas O. Murphy: t.murphy@verizon.net

Serve by Mail:

Oasis Vineyards Inc.
14141 Hume Road
Hume, VA 22639

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA

ALEXANDRIA DIVISION

IN RE: **Oasis Vineyards Inc.**

Case No.08-17750-RGM

Debtor(s)

(Chapter 11)

ORDER OF DISMISSAL

Upon the Motion of the United States Trustee to Dismiss or Convert this Case to a Chapter 7, or in the Alternative to Dismiss this Chapter 11 Case , and good cause having been shown, it is hereby:

ORDERED, that the motion of the United States Trustee is hereby granted and this case is hereby **DISMISSED**.

{If appropriate} **ORDERED** that the debtor(s) pay the balance of the filing fee in the amount of \$_____ to the Clerk within ten (10) days of the date of this order; and it is further **ORDERED** that the clerk shall mail copies of this order to the debtor, counsel for the debtor, the United States Trustee and all parties listed on the mailing matrix.

DATE

ROBERT G. MAYER
BANKRUPTCY JUDGE

I ASK FOR THIS:

/s/ Frank J. Bove
Frank J. Bove
Trial Attorney
Office of the U. S. Trustee
115 S. Union Street, Suite 210
Alexandria, VA 22314
(703) 557-7227

cc:

Serve Electronically:

United States Trustee: ustpreregion04.ax.ecf@usdoj.gov, frank.j.bove@usdoj.gov

Thomas O. Murphy: t.murphy@verizon.net

Serve by Mail:
Oasis Vineyards Inc.
14141 Hume Road
Hume, VA 22639